

**MINUTES OF THE MEETING  
OF THE  
BOARD OF ZONING ADJUSTMENT**

Tuesday April 28, 2015

The Board of Zoning Adjustment held its regular meeting on Tuesday, April 28, 2015, in the Council Chambers on the 26<sup>th</sup> Floor of City Hall and the following members were:

**PRESENT:**

Ms. Theresa Otto	Chair
Mr. Mike Keleher	Vice Chair
Mr. Richard Osborn	Member
Mr. Tom Stiller	Member
Mr. Quinton Lucas	Member
Mr. Mark Ebbitts	Member, Alternate 1

**ABSENT:**

Mr. Tony Bonuchi	Member, Alternate 3
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**ALSO PRESENT:**

Ms. Diane Binckley	Assistant Secretary
Ms. Ashley Winchell	Staff
Ms. Marty Campbell	Recording Secretary
Ms. Sarah Baxter	Law Department
Mr. Tim Brookhauser	Development Services
Mr. Richard Grigg	Court Reporter

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All staff reports, photographic slides, video and files are hereby made a part of these minutes.

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The meeting was called to order at 1:05 p.m., by swearing in staff members and others who desired to testify at the hearing.

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**CASE NO:** 14008-A-2

**APPLICANT:** Gary L. Marvine  
3939 Wyandotte Street  
Kansas City, Mo 64111

**PROPERTY OWNER:** RJM Property  
6501 Kansas Avenue  
Kansas City, Ks 66111

**AGENT:** James C. Bowers  
White Goss  
4510 Belleview, Suite 300  
Kansas City, Mo 64111

**AFFIDAVIT:** Received

**LOCATION:** 3939 Wyandotte Street

**AREA:** 6,453.85 SF

**ZONING:** R-6

**REQUEST:** To consider an appeal to the decision that the property is  
being used for business offices in a residential district  
where such activity is not permitted.

Ms. Ashley Winchell, Staff Planner, requested this case be dismissed.

Ms. Otto asked if there were any interested parties present for this matter; there were none.

Mr. Stiller moved and Mr. Osborn seconded the motion to **DISMISS** this matter.

Motion carried 5-0

Voting Aye:	Osborn, Keleher, Stiller, Otto, Lucas
Voting Nay:	None
Absent:	Bonuchi
Present but not voting:	Ebbitts

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**CASE NO:** 13450-A-3

**APPLICANT:** Israel Garcia  
4127 Holmes Street  
Kansas City, MO 64110

**AFFIDAVIT:** Not required

**LOCATION:** 1700 Holly Street

**AREA:** 2,390.5 square feet

**ZONING:** R-6

**REQUEST:** To consider an appeal to the decision that an outdoor advertising sign on the site remained blank and abandoned for 90 days in a district where outdoor advertising is not permitted.

**Quorum: Otto, Osborn Keleher, Stiller, Ebbitts; also hearing testimony: Bonuchi)**

Ms. Ashley Winchell requested this matter be continued to the July 14, 2014 meeting date without fee.

Ms. Otto asked if there were any interested parties in the audience; there were none.

Mr. Osborn moved and Mr. Ebbitts seconded the motion to **CONTINUE** this matter to July 14, 2015 meeting date without fee (No Testimony – No Set Quorum)

Motion carried 5-0

Voting Aye:	Osborn, Keleher, Stiller, Otto, Lucas
Voting Nay:	None
Absent:	Bonuchi
Present but not voting:	Ebbitts

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**RE:** Case No. 5202-SU-1

**APPLICANT/ AGENT:** Riad Baghdadi  
RB Architecture  
10107 W 105<sup>th</sup> Street  
Overland Park, KS 66217

**OWNER:** Premier Petroleum, Inc.  
PO Box 27229  
Overland Park, KS 66210

**LOCATION:** **5600 Troost Avenue** - Generally located at the northwest corner of  
E 56<sup>th</sup> Street and Troost Avenue

**AREA:** About 0.305 acres

**ZONING:** B3-2

**REQUESTS:** To consider approval of a request for a Special Use Permit in  
District B3-2, to allow for a new convenience store building,  
canopy and two pumps to replace the existing convenience store,  
canopy and pumps, plus any necessary variances.

Ms. Otto swore in Mr. Rihad Baghdadi; he had a chance to review the staff report and had no objections to it or the Administrative Exhibits 1-13; they were admitted; Ms. Otto asked if there were any interested parties in the audience, there were none.

Ms. Ashley Winchel, Staff Planner, summarized the Staff Report, Exhibit 9; and presented a power point of the subject property, Exhibit 13 and video, Exhibit 10.

Ms. Otto asked to hear from the applicant.

Mr. Baghdadi stated he agreed with the staff report and all of the conditions.

Mr. Keleher moved and Mr. Stiller seconded the motion to **APPROVED the following:**

***Plan corrections a-k per City Planning & Development, Development Management  
Division (Ashley Winchell, [ashley.winchell@kcmo.org](mailto:ashley.winchell@kcmo.org))***

- a. A signage plan that meets the requirement of Chapter 88-445 in its entirety.
- b. A lighting plan that meets the requirement of Chapter 88-430 in its entirety.
- c. A revised landscape plan that meets the requirement of Chapter 88-425 in its entirety.
- d. Identification and written dimensions of the total width of pavement of existing streets.
- e. Show dimensions of bicycle parking and provide specs of short-term bicycle racks.
- f. Location and written dimensions of the widths of existing or proposed private vehicular access into the property from perimeter streets and location of existing

- or approved accesses on properties adjacent or opposite the property, with off-set dimension from the centerlines of such streets and private access.
- g. Show existing conditions of surrounding property within 500’.
  - h. Elevations for all structures showing materials to match the principal building.
  - i. A window added to the north façade.
  - j. Provide a fence no taller 4 feet constructed of materials in compliance with the Troost Action Plan adjacent to the east property line between the right-of-way and the vehicular use area.
  - k. A sidewalk connection from front of the store to E 56<sup>th</sup> Street.

***Plan correction 1 per City Planning & Development, Land Development Division (Brett Cox, [brett.cox@kcmo.org](mailto:brett.cox@kcmo.org))***

- 1. Indicate proposed concept for stormwater management on-site.

***Conditions 2-4 per City Planning & Development, Development Management Division (Ashley Winchell, [ashley.winchell@kcmo.org](mailto:ashley.winchell@kcmo.org))***

- 2. Materials used for the canopy, convenience store building, fencing, dumpster enclosure and monument sign must be in compliance with the Troost Action Plan.
- 3. That the developer remove the existing pole sign.
- 4. That the developer obtain approval from the Board of Zoning Adjustment for a Special Use Permit and all necessary variances prior to issuance of Building Permit.

***Conditions 5-8 per City Planning & Development, Land Development Division (Brett Cox, [brett.cox@kcmo.org](mailto:brett.cox@kcmo.org))***

- 5. The developer shall submit a Storm Drainage analysis from a Missouri-licensed civil engineer to the Land Development Division evaluating proposed improvements and impact to drainage conditions. Since this project is within a "Combined Sewer Overflow" (CSO) district, the project shall be designed to retain rainfall of 1.5 inch depth over the entire site to simulate natural runoff conditions and reduce small storm discharge to the combined sewer system. Manage the 10-year storm and 100-year storm per currently adopted APWA standards. The analysis shall be submitted, and the developer secure permits to construct any improvements required by the Land Development Division prior to issuance of a building permit.
- 6. The developer must integrate into the existing street light system any relocated existing street lights within the street right-of-way impacted by the new drive or approach entrances as required by the Land Development Division, and the relocated lights must comply with all adopted lighting standards.

7. The developer submit a letter to the Land Development Division from a Licensed Civil Engineer, Licensed Architect, or Licensed Landscape Architect, who is registered in the State of Missouri, to identifying sidewalks, curbs, and gutters in disrepair as defined by Public Works Department's "OUT OF REPAIR CRITERIA FOR SIDEWALK, DRIVEWAY AND CURB revised 4/8/09" and base on compliance with Chapters 56 and 64 of the Code of Ordinances for the sidewalks, curbs, and gutters where said letter shall identify the quantity and location of sidewalks, curbs, gutters that need to be constructed, repaired, or reconstructed to remedy deficiencies and/or to remove existing approaches no longer needed by this project. The developer shall secure permits to repair or reconstruct the identified sidewalks, curbs, and gutters as necessary along all development street frontages as required by the Land Development Division and prior to issuance of any certificate of occupancy permits including temporary certificate occupancy permits.
8. The developer shall submit an analysis to verify adequate capacity of the existing sewer system as required by the Land Development Division prior to issuance of a building permit to connect private system to the public sewer main and depending on adequacy of the receiving system, make other improvements may be required.

The Board of Zoning Adjustment **GRANTED** the following variances:

- A. A variance to the minimum required perimeter landscaping of a vehicular use area adjacent to a street in the amount of 10 feet, to allow for the construction of a convenience store and gas station.
- B. A variance to the minimum required rear yard setback of a principal structure in a commercial zoning district abutting a residential zoning district in the amount of 20 feet, to allow for the construction of a convenience store and gas station.

Motion carried 5-0

Voting Aye:	Osborn, Keleher, Stiller, Otto, Lucas
Voting Nay:	None
Absent:	Bonuchi
Present but not voting:	Ebbitts

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**RE:** Case No. 14545-SU

**APPLICANT/ AGENT:** Vince LaTona  
LaTona Architects  
1600 Genessee  
Kansas City, MO 64102

**OWNER:** Raman Property, LLC  
3800 E. Gregory Boulevard  
Kansas City, MO 64132

**LOCATION:** **3800 E. Gregory Boulevard** - Generally located at the northeast corner of Cleveland Avenue and E. Gregory Boulevard.

**AREA:** About 0.28 acres.

**ZONING:** B1-1 (Neighborhood Business 1 dash 1).

**REQUESTS:** To consider approval of a request for a Special Use Permit in District B1-1 (Neighborhood Business 1 dash 1), to allow for a new 25' x 50' gas canopy with two islands (4 pumps) to the existing convenience store, plus any necessary variances.

Ms. Diane Binckley requested a continuance on this matter to the May 26, 2015 meeting date without fee.

Ms. Otto asked if there were any interested parties in the audience; there were none.

Mr. Keleher moved and Mr. Stiller seconded the motion to **CONTINUE** this matter to the May 26, 2015 meeting date without fee (Without testimony – No Set Quorum).

Motion carried 5-0

Voting Aye: Osborn, Keleher, Stiller, Otto, Lucas  
Voting Nay: None  
Absent: Bonuchi  
Present but not voting: Ebbitts

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There being no further business, the meeting was adjourned at 1:22 p.m.

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Respectfully submitted,

Diane M. Binckley  
Assistant Secretary

APPROVED:

Minutes of the meeting of the  
Board of Zoning Adjustment

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Tuesday  
April 28, 2015

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Theresa Otto, Chairperson